

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*In re Application of* )  
                                    ) Group Art Unit: TBA  
Guido GRANDI *et al.*        )  
                                    )  
Serial No. 10/561,236          ) Examiner: TBA  
                                    )  
U.S. Nat'l Stage under 35 U.S.C. § 371 of ) Atty. Dkt. 002441.00183 (PP020662.0006)  
PCT/US2004/020491, filed June 25, 2004    )

**CONFIRMATION NO. 6065**

For: IMMUNOGENIC COMPOSITIONS FOR CHLAMYDIA TRACHOMATIS

**RENEWED SUBMISSION UNDER 37 C.F.R. § 1.42**

U.S. Patent and Trademark Office  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Communication dated December 10, 2007, Applicants respectfully submit a newly executed Joint Declaration, which is believed to satisfy 37 C.F.R. § 1.42 and 37 C.F.R. § 1.63. The fees for (i) a one-month extension of the response period and (ii) the filing of the executed Joint Declaration after 30 months from the priority date, are being submitted herewith. Should any additional fees be required or an overpayment of fees made, please debit or credit our Deposit Account No. 19-0733, as needed.

A copy of the Communication dated December 10, 2007 accompanies this response.

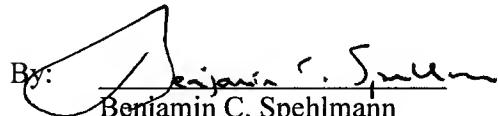
The newly executed Joint Declaration identifies the above-captioned patent application. This declaration also provides the full name, citizenship, residence, and mailing address of Livia LEHUTOVA, who is the legal representative of deceased inventor Giulio RATTI.

The declaration also names Alessandra BONCI as an inventor, who additionally declares that Alessandra BONCI is the correct spelling of her name and that the name Alessandro BONCI shown on the corresponding PCT published application WO 2005/002619 resulted from a typographical error when the PCT application Request was prepared.

Applicants respectfully submit that all formal requirements have been satisfied and request that the application be forwarded to examination.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: February 18, 2008

By:   
Benjamin C. Spehlmann  
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In re Application of  
Grandi et al.  
Application No. 10/561,236  
PCT No.: PCT/US04/20491  
Int. Filing Date: 25 June 2004  
Priority Date: 26 June 2003  
Atty. Docket No.: 002441.00183  
For: Immunogenic Compositions  
For Chlamydia Trachomatis

EMERYVILLE - CIP

DEC 13 2007

F/F	M/D	Inv.	RF	ASG	PA
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COMMUNICATION

This is in response to the declaration of the inventors filed on 14 August 2007, which is being treated under 37 CFR 1.42.

### BACKGROUND

This international application was filed on 25 June 2004, claimed an earliest priority date of 26 June 2003, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 26 December 2005. Applicants filed, *inter alia*, the basic national fee on 19 December 2005.

On 22 January 2007, a Notice of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, requiring the submission of an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

### DISCUSSION

Review of the declaration of the inventors filed on 14 August 2007 reveals that inventor Giulio Ratti is indicated to be "deceased." 37 CFR 1.42 provides in part that

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Meanwhile, 37 CFR 1.497(b)(2), as amended effective 08 September 2000, provides that

If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43 or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

Docketed by [Signature]  
Atty. SIL PA  
File # 51961-US - PET  
Due Date Ex  
Final Date 2/10/08  
PP 20662 20.000 6

Further examination of the declaration filed on 14 August 2007 reveals that it is directed to the instant national stage application number, but also to a different international application number (PCT/US2005/006588); since the application to which it is directed is ambiguous, the declaration is defective. The declaration is also defective in that it nominates Alessandra Bonci, rather than Alessandro Bonci named in the published international application. The document has been signed in the capacity of "legal representative" by an individual whose name is not clearly legible. The declaration appears to provide citizenship, residence and mailing address for both the legal representative and Mr. Ratti (the information provided for the legal representative is the same as that provided for Mr. Ratti). As the declaration is defective, it would not be appropriate to accept it under 37 CFR 1.42 at this time.

### CONCLUSION

The declaration is NOT ACCEPTED under 37 CFR 1.42, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in ABANDONMENT.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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